

IN THE COMMON PLEAS COURT OF PORTAGE COUNTY, OHIO
CIVIL DIVISION

2021CV00037

JACQUELINE A. KUJDA, Administrator
of the Estate of Patrick J. Cooper,
Deceased,
4450 Lancelot Road
Toledo, Ohio 43623

Plaintiff,

v.

CLIMATE PROS, LLC,
c/o CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

and

TARGET CORPORATION
c/o CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

and

EVERIDGE, INC.
15600 37th Avenue N., Suite 100
Plymouth, Minnesota 55446

Defendants.

Case No.

Judge:

JUDGE LAURIE J. PITTMAN

COMPLAINT

(Jury Demand Endorsed Hereon)

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Kathleen R. Harris (0088079)
Andrea R. Young (0096334)
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Attorneys for Plaintiff

Now comes Plaintiff Jacqueline A. Kujda, Administrator of the Estate of Patrick J.

Cooper, deceased, and hereby brings this wrongful death and survival action against

EXHIBIT A

Defendants Climate Pros, LLC, Target Corporation, and Everidge, Inc. arising from the death of her husband Patrick J. Cooper after a fall at a Target located at or near 1144 State Route 303, Streetsboro, Ohio 44241. In support of her claims, Plaintiff states as follows:

THE PARTIES

1. Plaintiff Jacqueline A. Kujda was at all relevant times the legal spouse of Patrick J. Cooper, and she was appointed Administrator of his Estate by the Lucas County Probate Court on April 26, 2019.
2. Upon information and belief, Defendant Climate Pros, LLC is a limited liability company organized under the laws of the State of Delaware with its principal place of business in Glendale Heights, Illinois, which at all relevant times did business in the field of commercial refrigeration and HVAC in the State of Ohio, including in Portage County.
3. Upon information and belief, Defendant Target Corporation is a corporation organized under the laws of the State of Minnesota with its principal place of business in Minneapolis, Minnesota, which at all relevant times operated a retail store located at 1144 State Route 303, Streetsboro, Portage County, Ohio 44241.
4. Upon information and belief, Defendant Everidge, Inc. is a corporation organized under the laws of the State of Minnesota with its principal place of business in Plymouth, Minnesota, which at all relevant times did business in the field of commercial refrigeration in the State of Ohio, including in Portage County.

JURISDICTION AND VENUE

5. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
6. The Portage County Common Pleas Court has jurisdiction over this matter pursuant to R.C. 2305.01.
7. Venue is proper in this Court pursuant to Civil Rule 3(C)(6), as this is the county in which all or part of the claim for relief arose.
8. Pursuant to Civil Rule 8(A), Plaintiff states that this Complaint seeks recovery in excess of Twenty-Five Thousand Dollars (\$25,000.00).

FACTUAL ALLEGATIONS

9. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
10. Upon information and belief, Defendant Everidge, Inc. and/or Defendant Target contracted with Defendant Climate Pros, LLC and arranged for Defendant Climate Pros, LLC to be the general contractor on a commercial refrigeration project at the Target located at 1144 State Route 303, Streetsboro, Ohio 44241 ("Streetsboro Target").
11. Upon information and belief, Defendant Climate Pros contracted with Koelsch Electric to perform electrical work on the jobsite.
12. On or about February 26, 2019, Patrick J. Cooper was employed by Koelsch Electric Company as a material handler performing electrical work on a combination freezer/refrigerator for the commercial refrigeration project at the Streetsboro Target.

13. At all relevant times, Patrick J. Cooper was a business invitee on the premises of Defendant Target who had been invited onto the property to perform services that were beneficial to Defendant Target.
14. At all relevant times, Defendants Target, Everidge, and Climate Pros maintained control over the jobsite in question at the Streetsboro Target including with respect to lock out/tag out of electricity running to the combination freezer/refrigerator at issue in this Complaint.
15. On or about February 26, 2019, Defendant Target, Defendant Climate Pros, and/or Defendant Everidge failed to ensure that the ladder used by Patrick J. Cooper was safe for the work being performed, failed to ensure the ladder was safely secured to the freezer/refrigerator at issue, and failed to ensure that the electrical circuits were locked and tagged out prior to Patrick J. Cooper working on the electrical components of the combination freezer/refrigerator.
16. On or about February 26, 2019, Patrick J. Cooper climbed a ladder to access the top of a combination freezer/refrigerator located at the Streetsboro Target and received an electrical shock that caused him to fall approximately 10 to 12 feet to the ground, where he struck his head on the floor and was rendered unconscious.
17. Patrick J. Cooper was found on the ground by an employee of the Streetsboro Target and was transported by ambulance to the emergency room, where he was admitted to the hospital and diagnosed with a subdural hemorrhage, diffuse traumatic brain injury, traumatic hemorrhage of the cerebrum, and multiple rib fractures. He underwent a bifrontotemporal decompressive craniectomy on March 1, 2019 but never regained consciousness and died on March 14, 2019.

FIRST CAUSE OF ACTION
(Negligence – Defendant Climate Pros, LLC)

18. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
19. Defendant Climate Pros, LLC owed a duty to Patrick J. Cooper to exercise ordinary care for his safety, to prevent injury to him including electrical shock and falls, and to ensure that the job site premises on which he was working were in reasonably safe condition.
20. Defendant Climate Pros failed to exercise reasonable care and breached its duties by failing to ensure that the ladder used by Patrick J. Cooper was safe for the work being performed, failing to ensure the ladder was safely secured to the freezer/refrigerator at issue, and by failing to ensure that the electrical circuits were locked and tagged out prior to Patrick J. Cooper working on the electrical components of the combination freezer/refrigerator.
21. As a direct and proximate result of the negligence of Defendant Climate Pros, Patrick J. Cooper received an electrical shock and fell to the ground from the ladder against the combination freezer/refrigerator, where he struck his head and sustained catastrophic injuries that caused his death.

SECOND CAUSE OF ACTION
(Negligence – Defendant Target Corporation)

22. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
23. Defendant Target Corporation owed a duty to Patrick J. Cooper to exercise ordinary care for his safety, to prevent injury to him including electrical shock and

falls, and to ensure that the job site premises on which he was working were in reasonably safe condition.

24. Defendant Target failed to exercise reasonable care and breached its duties by failing to ensure that the ladder used by Patrick J. Cooper was safe for the work being performed, failing to ensure the ladder was safely secured to the freezer/refrigerator at issue, and by failing to ensure that the electrical circuits were locked and tagged out prior to Patrick J. Cooper working on the electrical components of the combination freezer/refrigerator.

25. As a direct and proximate result of the negligence of Defendant Target, Patrick J. Cooper received an electrical shock and fell to the ground from the ladder against the combination freezer/refrigerator, where he struck his head and sustained catastrophic injuries that caused his death.

THIRD CAUSE OF ACTION
(Negligence – Defendant Everidge, Inc.)

26. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

27. Defendant Everidge, Inc. owed a duty to Patrick J. Cooper to exercise ordinary care for his safety, to prevent injury to him including electrical shock and falls, and to ensure that the job site premises on which he was working were in reasonably safe condition.

28. Defendant Everidge failed to exercise reasonable care and breached its duties by failing to ensure that the ladder used by Patrick J. Cooper was safe for the work being performed, failing to ensure the ladder was safely secured to the freezer/refrigerator at issue, and by failing to ensure that the electrical circuits were

locked and tagged out prior to Patrick J. Cooper working on the electrical components of the combination freezer/refrigerator.

29. As a direct and proximate result of the negligence of Defendant Everidge, Patrick J. Cooper received an electrical shock and fell to the ground from the ladder against the combination freezer/refrigerator, where he struck his head and sustained catastrophic injuries that caused his death.

FOURTH CAUSE OF ACTION
(Wrongful Death – All Defendants)

30. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

31. Defendants Climate Pros, LLC, Target Corporation, and Everidge, Inc. jointly and severally failed to adhere to and deviated from the requisite standards of care set forth in the preceding causes of action.

32. Such failures and deviations directly caused and/or contributed to cause Patrick J. Cooper to be put in peril and ultimately die.

33. As a direct and proximate result of the above failures and deviations, Patrick's next of kin sustained pecuniary loss including but not limited to medical, funeral burial, internment, and estate expenses.

34. As a direct and proximate result of Defendants' joint and several negligence, Patrick's next of kin sustained injuries and damages related to the loss of Patrick's services and society.

FIFTH CAUSE OF ACTION
(Survival Action – All Defendants)

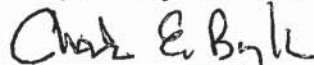
35. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

36. Defendants Climate Pros, LLC, Target Corporation, and Everidge, Inc. jointly and severally failed to adhere to and deviated from the requisite standards of care set forth in the preceding causes of action.

37. Such failures and deviations directly and proximately caused and/or contributed to cause Patrick J. Cooper significant pain and suffering and fear of imminent death as a result of his injuries, prior to his death.

WHEREFORE, Plaintiff prays judgment be entered in her favor against Defendants in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00), together with interest, costs, reasonable attorney fees associated herewith, and such other relief as the Court may deem just.

Respectfully submitted,



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues triable by right.

Respectfully submitted,

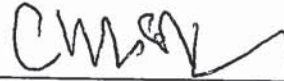


Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs

PRAECIPE

TO THE CLERK:

Please serve summons and complaint upon Defendants by certified mail, return receipt requested, at their respective addresses listed on the caption.



Charles E. Boyk
Kathleen R. Harris
Attorneys for Plaintiffs